

《救世军条例》

(第 1062 章)

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SALVATION ARMY ORDINANCE

(Cap. 1062)

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本条例旨在就救世军大将成立为永久延续的单一法团而订定条文。

To provide for the incorporation of The General of The Salvation Army as a corporation sole having perpetual succession.

[1951 年 10 月 12 日]

[12 October 1951]

弁言

鉴于藉一份日期为 1878 年 8 月 7 日并由 William Booth (一个名为 the Christian Mission 的宗教社团或组织的创办人及总监督*)亲笔签署和盖印,且其后在英格兰高等司法法院的大法官法庭#登记的平边契据(以下称为章程),the Christian Mission 的原有名称、教义及目的已予详述和列明:

Preamble

WHEREAS by a Deed Poll (hereinafter called the Deed of Constitution) dated the 7th day of August, 1878, and under the hand and seal of William Booth (the founder and General Superintendent of a religious society or organization known as the Christian Mission) and afterwards enrolled in the Chancery Division of the High Court of Justice in England the original name, doctrines and purposes of the Christian Mission were recited and stated:

又鉴于据一则日期为 1880 年 6 月 24 日由上述 William Booth 亲笔签署,并批注在章程上,且其后在英格兰最高司法法院的中央办事处+登记的备忘录显示,在该日期前的某个时间,上述宗教社团或组织的名称由“the Christian Mission”改为“The Salvation Army”:

AND WHEREAS at some time before the 24th day of June, 1880, the name of the said religious society or organization was changed from “the Christian Mission” to “The Salvation Army”

又鉴于上述宗教社团或组织自当时起至今即名为救世军,而其总监督*自当时起至今即名为救世军大将:

as appears by a Memorandum of that date under the hand of the said William Booth endorsed on the Deed of Constitution and afterwards enrolled in the Central Office of the Supreme Court of Judicature in England:

又鉴于藉一份日期为 1904 年 7 月 26 日由上述 William Booth 亲笔签署和盖印,且其后在英格兰最高司法法院的中央办事处+登记的平边契据(以下称为补充章程),章程的条文已由关于章程所未顾及的事宜和或有事件的条文予以补充:

AND WHEREAS the said religious society or organization has since been and is now known as The Salvation Army and The General Superintendent thereof has since been and is now known as The General of The Salvation Army:

又鉴于藉一份日期为 1930 年 11 月 21 日由 Edward John Higgins 亲笔签署和盖印,且其后在英格兰最高司法法院的中央办事处+登记的

AND WHEREAS by a Deed Poll (hereinafter called the Supplemental Deed of Constitution) dated the 26th day of July, 1904, under the

平边契据，补充章程的条文已（依据该补充章程为此而保留的权力）予以增补和更改：

编辑附注：

* “总监督”乃“*General Superintendent*”之译名。# “英格兰高等司法法院的大法官法庭”乃“*Chancery Division of the High Court of Justice in England*”之译名。+ “英格兰最高司法法院的中央办事处”乃“*Central Office of the Supreme Court of Judicature in England*”之译名。

1. 简称

本条例可引称为《救世军条例》。

2. 成立为法团

- (1) 当其时的救世军大将须当作为一个单一法团（以下称为法团），并须名为和描述为“*The General of The Salvation Army*”，且以该名称永久延续，以及可以和必须备有和使用法团印章，亦可以不时按法团认为适合而破毁、更换、更改和重新制造法团印章。
- (2) 法团可在香港的任何法院起诉与被起诉以及提起所有法律程序，而所有传讯令状、通知及法律程序文件，可藉留交于获妥为委任代表当其时的救世军大将的授权人在香港的住所而送达法团。

hand and seal of the said William Booth and afterwards enrolled in the Central Office of the Supreme Court of Judicature in England the provisions of the Deed of Constitution were supplemented by provisions dealing with matters and contingencies not taken account of in the Deed of Constitution:

AND WHEREAS by a Deed Poll dated the 21st day of November 1930, under the hand and seal of Edward John Higgins and afterwards enrolled in the Central Office of the Supreme Court of Judicature in England the provisions of the Supplemental Deed of Constitution were (pursuant to a power in that behalf thereby reserved) added to and varied:

1. Short title

This Ordinance may be cited as the Salvation Army Ordinance.

2. Incorporation

(Adaptation amendments retroactively made - see 41 of 1999 s. 3)

- (1) The General of The Salvation Army for the time being shall be deemed a corporation sole, hereinafter called the corporation, and shall be known and described as “*The General of The Salvation Army*”, and in that name shall have perpetual succession and shall and may have and use a corporate seal and may from time to time break, change, alter and make anew the said seal as to the corporation may deem fit.
- (2) The corporation may sue and be sued and take all legal proceedings in any of the Courts of Hong Kong and all writs of summons, notices and legal process may be served upon the corporation by being left at the residence in Hong Kong of the duly appointed attorney of The General of The Salvation Army for the time being. (*Amended 41 of 1999 s. 3*)

3. 法团的权力

- (1) 法团有权力获取、购买、取得、持有和享用任何性质或种类以及位于任何地点的土地、建筑物、宅院或物业单位，以及接受该等土地、建筑物、宅院或物业单位的租赁，并有权力将款项投资于任何土地、建筑物、宅院或物业单位的按揭，或投资于任何政府、市政府、法团、公司或任何人的按揭、债权证、股额、资金、股份或证券、保证，亦有权力购买、获取和管有任何性质及种类的船只及其他货品及实产。
- (2) 法团更进一步有权力按其认为适合的条款，藉盖上其印章的契据，将当其时归属或属于法团的任何土地、建筑物、宅院、物业单位、按揭、债权证、股额、资金、股份或证券、保证或船只或其他货品及实产批出、出售、转易、转让、退回、交换、分划、交出、按揭、批租、再转让、移转或以其他方式处置。

4. 法团印章的使用

- (1) 按规定须盖上法团印章的一切契据、文件及其他文书，须在当其时的救世军大将或藉授权书妥为授权代表救世军大将的受权人面前以法团印章盖章，并须由当其时的大将或如前述般获授权的受权人签署。
- (2) 该项签署须视为上述印章已妥为和恰当地加盖，以及该印章是法团的合法印章的充分证据。

5. 担任大将职位的人有变并不影响财产及权益

担任救世军大将职位的人有变并不影响归属法团的任何不动

3. Powers of corporation

- (1) The corporation shall have power to acquire, accept leases of, purchase, take, hold and enjoy any lands, buildings, messuages or tenements of what nature or kind soever and wheresoever situate, and also to invest moneys upon mortgage of any lands, buildings, messuages or tenements or upon the mortgages, debentures, stocks, funds, shares or securities of any Government, municipality, corporation, company or person, and also to purchase, acquire and possess vessels and other goods and chattels of what nature and kind soever.
- (2) The corporation shall further have power by deed under its seal to grant, sell, convey, assign, surrender, exchange, partition, yield up, mortgage, demise, reassign, transfer or otherwise dispose of any lands, buildings, messuages, tenements, mortgages, debentures, stocks, funds, shares or securities, or vessels or other goods and chattels, which are for the time being vested in or belonging to the corporation, upon such terms as to the corporation may seem fit.

4. Use of the corporate seal

- (1) All deeds, documents and other instruments requiring the seal of the corporation shall be sealed with the seal of the corporation in the presence of The General of The Salvation Army for the time being or his attorney duly authorized by power of attorney and shall also be signed by The General for the time being or his attorney so authorized as aforesaid.
- (2) Such signing shall be taken as sufficient evidence that the said seal was duly and properly affixed and that the same is the lawful seal of the corporation.

5. Change of person holding office of General not to affect property and interest

产或动产或其中的任何权益，而即使有任何该等改变，上述不动产或动产或其中的任何权益仍须继续归属法团。

6. 何人须当作为救世军大将

一份或多于一份看来是救世军大将的委任及接受职位的文件或看来是记录救世军大将的委任及接受职位的文件，其一份或多于一份经救世军参谋长或当其时署理救世军参谋长职位的中将*核证的文本，一经提交政务司司长办公室，即须当作为该一份或多于一份核证文本中指名的人是获妥为授权行使当其时救世军大将职权的人的不可推翻的证据，直至一份或多于一份相类的核证文本已如前述般予以记录和提交为止。

(由 1976 年第 226 号法律公告修订；由 1997 年第 362 号法律公告修订)

编辑附注：

*“中将”乃“Commissioner”之译名。

7. 委任受权人的权力

当其时的救世军大将有权力按授权书中述明的期限和目的委任受权人，并对其委以授权书中述明的权力，而上述授权书的一份经公证人核证的核证文本须提交政务司司长办公室；上述授权书的获授权人须当作为获妥为授权代表当其时的救世军大将的受权人，直至一份其后的并经同样地核证的授权书文本已予以记录和提交为止。

(由 1976 年第 226 号法律公告修订；由 1997 年第 362 号法律公告修订)

8. 保留条文

No change of the person holding the office of The General of The Salvation Army shall affect any immovable or movable property or any interest therein vested in the corporation but the same shall notwithstanding any such change continue to be vested in the corporation.

6. Who to be deemed The General of The Salvation Army

Upon the lodging at the office of the Chief Secretary for Administration of a copy or copies certified by the Chief of Staff of The Salvation Army or the Commissioner acting for the time being as the Chief of Staff of The Salvation Army of a document or documents purporting to be or to record the appointment of and acceptance of office by a General of The Salvation Army it shall be deemed to be conclusive in evidence that the person named in such certified copy or copies is the person duly authorized to exercise the office of The General of The Salvation Army for the time being until the recording and lodging of a similar certified copy or copies as aforesaid.

(Amended L.N. 226 of 1976; L.N. 242 of 1994; L.N. 362 of 1997)

7. Power to appoint attorney

The General of The Salvation Army for the time being shall have power to appoint an attorney for such time and purposes and with such powers as may be stated in the power of attorney and a notarially certified copy of the said power of attorney shall be lodged at the office of the Chief Secretary for Administration and the donee of the said power of attorney shall be deemed to be the duly authorized attorney of The General of The Salvation Army for the time being until the recording and lodging of a subsequent and similarly certified copy power of attorney.

(Amended L.N. 226 of 1976; L.N. 242 of 1994; L.N. 362 of 1997)

8. Saving

(具追溯力的适应化修订——见 1999 年第 41 号第 3 条)
本条例的条文不影响亦不得当作影响中央或香港特别行政区政府根据《基本法》和其他法律的规定所享有的权利或任何政治体或法人团体或任何其他人的权利，但本条例所述及者和经由、透过他们或在他们之下作申索者除外。

(由 1999 年第 41 号第 3 条修订)

(Adaptation amendments retroactively made - see 41 of 1999 s. 3)
Nothing in this Ordinance shall affect or be deemed to affect the rights of the Central Authorities or the Government of the Hong Kong Special Administrative Region under the Basic Law and other laws, or the rights of any body politic or corporate or of any other persons except such as are mentioned in this Ordinance and those claiming by, from or under them.

(Amended 41 of 1999 s. 3)